

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Andrew Yang, Jonathan Herzog, Hellen Suh, Brian Vogel, Shlomo Small, Alison Hwang, Kristen Medeiros and Dr. Roger Green, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

New York State Board of Elections

Defendant.

ECF CASE

CIVIL ACTION: 20-cv-3325

AFFIDAVIT OF SERVICE

Jeffrey M. Kurzon, an attorney admitted in the State of New York and to this Court, affirms under the penalty of perjury, as follows:

1. We are attorneys for Plaintiffs in this action.
2. On April 28, we emailed the Defendant, New York State Board of Elections (“NYS BOE”), at enforcement@elections.ny.gov at 6:16pm EST delivering the initiating documents (ECF Dkt. 1 and attachments/exhibits) with the same.
3. On April 28, at 8:24pm EST, Risa Sugarman, Chief Enforcement Counsel, Division of Election Law Enforcement, NYS BOE, wrote to us from enforcement@elections.ny.gov:

“You need to serve the Board not the Division of Election Law Enforcement.

Brian Quail at Brian.Quail@elections.ny.gov and Kimberly Galvin at Kimberly.Galvin@elections.ny.gov are the Counsel to the Baord [sic].

4. On or around noon, April 29, 2020, Honorable Judge Torres issued an order directing electronic service by reliable means by April 30, 2020 at noon (*see* ECF Dkt. 3).

5. At 1:31pm EST today, April 29, we emailed Mr. Quail and Ms. Galvin at the above addresses delivering the following electronically:

1. ECF Document 3 - Order by United States District Judge Analisa Torres, dated April 29, 2020

2. ECF Document 2 - Civil Cover Sheet filed by the undersigned today April 29, 2020

3. ECF Document 1 - Emergency Complaint Seeking Relief Under FRCP 65(b) (erroneously dated April 28, 2011) filed April 28, 2020, with exhibits filed on the same day, namely:

a. ECF Dkt 1-1, Affidavit of Andrew Yang

b. ECF Dkt 1-2, Affidavit of Jonathan Herzog

c. ECF Dkt 1-3, Affidavit of Hellen Suh

d. ECF Dkt. 1-4 Affidavit of Brian Vogel

e. ECF Dkt. 1-5 Affidavit of Shlomo Small

f. ECF Dkt. 1-6 Affidavit of Alison Hwang

g. ECF Dkt. 1-7 Affidavit of Kristen Medeiros

h. ECF Dkt. 1-8 Affidavit of Dr. Roger Green

i. ECF Dkt. 1-9 Affidavit of Attorney Jeffrey M. Kurzon

j. ECF Dkt. 1-11 Proposed Emergency Order to Show Cause for Preliminary Injunction and Temporary Restraining Order

6. In addition, at 2:22pm today, we mailed the above case initiating documents to the Defendant, by US Express Mail, expedited to be delivered by April 30 at noon, with the envelope clearly marked **“URGENT: FEDERAL COURT ORDER INSIDE”** to:

NYS Board of Elections
Attention: Legal Counsel (Emergency – Time Sensitive)
40 North Pearl St., Suite 5

Albany, NY 12207-2729

7. At or around 2:52pm today, Mr. Douglas Kellner, Co-Chair and Commissioner of the Defendant submitted a letter to the court (see ECF Dkt. 4) requesting to expedite the schedule by the Honorable Judge Torres in ECF Dkt. 3.

8. At or around 3:04pm today, Mr. Kellner sent the same ECF Dkt. 4 to our attention by electronic mail, copying both Mr. Quail and Ms. Galvin at the Defendant at the email addresses referenced above (see para. 4 above).

9. Based on the foregoing, we believe Defendant has been served and the service requirement set by the Honorable Judge Torres in her initial order (ECF Dkt. 3) has been met.

[SIGNATURE PAGES FOLLOW]

Dated: April 29, 2020

Respectfully submitted,

By: /s/ Jeffrey M. Kurzon
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